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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,883	11/13/2007	Flemming Abildgaard	884A.0139.U1(US)	5968
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HARRINGTON & SMITH 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER JAMAL, ALEXANDER	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 06/14/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,883

Applicant(s)

ABILIDGAARD ET AL.

Examiner

ALEXANDER JAMAL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-30 is/are rejected.
- 7) ☐ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim appears to be incomplete. Additionally the claim recites ‘substantially and hereinbefore described with reference to. It is not clear what substantially means as claimed. Additionally it is not clear if the phrase and/or refers to ‘and’ or ‘or’.

Clarification/Correction is requested.

Claim Objections

1. Claim 3 objected to because of the following informalities: There are two claims numbered 3. The examiner assumed that the second claim numbered three is changed to claim 31. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The following claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Bulthuis et al (US 6978127 B1), and further in view of Shirai (US 5828956 A.).

As per **claims 1,23,29**, Bulthuis discloses a handheld device (Col 3 lines 20-50) with a rotator that provides tactile feedback to the user (figs. 1-3) a separate audio feedback means (Fig. 4 block 410). The device comprises conversion means to convert the rotation positions of the wheel to characters which will correspond to any ordered sequence of test characters (Col 3 lines 20-30). However Bulthuis does not disclose a memory to store a predetermined security sequence which is then verified by verification means to verify a test sequence (entered characters) against a predetermined password.

Shirai discloses a portable device with a password stored in a memory (Col 14 lines 20-30) as part of the portable device. The password must be entered by the user (claim 1, abstract) and verified via a verification module in order for the phone to be programmed. It would have been obvious to one of ordinary skill in the art to implement a password function and memory based verification stage on the device of Bulthuis for the purpose of protecting the device from unauthorized use.

As per **claim 2,25**, the system of Bulthuis is digital and as such all analog interfaces, including the wheel must be converted to digital form in order to be processed

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by processor 116. This includes the extent of rotation of the wheel of Bulthuis used to indicate specific characters to be entered into the phone.

As per **claims 3,12,13,24**, the device of Bulthuis will provide additional amplified audible feedback based on the variation of the quantized value (rate of wheel spin) (Col 3 lines 20-30).

As per **claim 31**, each character is assigned to a quantized value based on a rotation amount of the wheel.

As per **claim 4**, the wheel is used to enter characters to the portable device. These characters and associated quantized values, when used to input the password, would correspond to characters of the test sequence.

As per **claims 5,6**, the feedback device is an output audio device.

As per **claim 7**, there are individual characters to each graduation of the rotation.

As per **claim 8**, there are audible clicks when rotating the wheel (Bulthuis: Col 3 lines 25-30).

As per **claims 11,26,27,28**, the displayed characters and audio are another form of feedback to the user (fig. 1) corresponding to the rotational movement and quantized values.

As per **claim 14**, the characters are displayed as they are entered (**Shirai**: Col 12 lines 55-65)

As per **claim 15**, the entered numbers displayed on the screen of the device of Shirai, when used to enter the disclosed password, are read as a representation of at least

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a safe dial as they are the means of gaining access to the content kept safe by the protection.

As per **claim 19**, the wheel shown in Fig. 3 of Bulthuis requires tactile responses on all sides in order for the user to rotate said wheel. The wheel spins around an axis that is perpendicular to the front face of the device (Fig. 3).

As per **claim 20**, the rotator is disk like with a circular flat surface.

As per **claim 21**, the downward curved edge is substantially unaccessible.

As per **claim 22**, the rotator is used to enter data,

3. The following claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Bulthuis et al (US 6978127 B1) in view of Shirai (US 5828956 A.) and further in view of Blankstein US 20020187827 A1.

As per **claims 15,17**, Bulthuis and Shirai disclose a portable terminal with a wheel used to enter in characters for a password, but they do not disclose a graphic representation of a safe door opening when the correct characters are input.

Blankstein teaches an electronic gaming machine where users can enter in numbers which are compared to stored sequences and when the user enters in the correct sequence, the machine displays a safe opening (para. 52). It would have been obvious to one skilled in the art to implement the disclosed game and interface on the portable device of Bulthuis and Shirai for the advantage of entertainment gained from the feature.

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As per **claim 16**, the user can use controls (rotators) on the device to rotate the dials (para. 52).

Allowable Subject Matter

Claims 9,10 objected to as being dependent upon a rejected base claim, but would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498, and whose email address is alexander.jamal@uspto.gov

The examiner can usually be reached on M-F 8AM-5PM.
If attempts to reach the examiner by telephone or email are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499.

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The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

June 13, 2011